

SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **OPEN NETWORK SYSTEM FOR I/O OPERATIONS WITH NON-STANDARD I/O DEVICES UTILIZING EXTENDED PROTOCOL INCLUDING DEVICE IDENTIFIER AND IDENTIFIER FOR OPERATION TO BE PERFORMED WITH DEVICE**, the specification of which was filed on 05/18/99 as application serial no. 09/314,266.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/995,123</u>	<u>12/19/97</u>	<u>Patented</u>	
(Application Serial No.)	(Filing Date)	(Status)	(Patented, Pending, Abandoned)

<u>08/493,772</u>	<u>06/22/95</u>	<u>Patented</u>	
(Application Serial No.)	(Filing Date)	(Status)	(Patented, Pending, Abandoned)

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(Application Serial No.)	(Filing Date)	(Status)	(Patented, Pending, Abandoned)

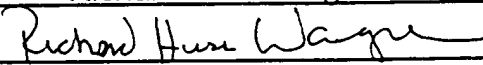
I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David M. Lockman, Registration No. 34,214
Bradford G. Addison, Registration No. 41,486
Paul J. Maginot, Registration No. 34,984
Harold C. Moore, Registration No. 37,892
Shawn D. Bauer, Registration No. 41,603
Bruce J. Bowman, Registration No. 35,458

Address all telephone calls to: Bradford G. Addison at (317) 638-2922

Address all correspondence to: Maginot, Addison & Moore
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor: Richard Hiers Wagner
Inventor's signature: 
Date: 7/10/2000
Residence: ~~2210 Peeler Road~~ 630 GLENRIDGE CLOSE DR.
~~Dunwoody, Georgia 30338~~ ATLANTA GA 30328
Citizenship: United States of America
Post Office Address: same as above

TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
1714-0013

In re Application of: **Wagner**

Application No.: **Unassigned**

Filed: **Filed Herewith**

For: **Open Network System and Method for I/O Operations with Non-Standard I/O Devices Using an Extended Open Network Protocol**

The owner*, **Datascape, Inc.** of **100** percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **5,742,845**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. ***5,905,908, 6,366,967, 6,684,289, 6,694,387**

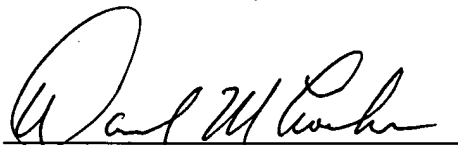
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature Date **2/3/04**
David M. Lockman

02/09/2004 MDAHTE1 00000049 10770628

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Typed or printed name
(317) 638 2922

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

1714-0013

In re Application of: **Wagner**
Application No.: **Unassigned**Filed: **Herewith**For: **Open Network System and Method for I/O Operations with Non-
Standard I/O Devices Using an Extended Open Network Protocol**

The owner*, **Datascape, Inc.**, 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number **097907,076***, filed on **7/17/01**, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. ***10/614,398 filed 7/7/03**

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

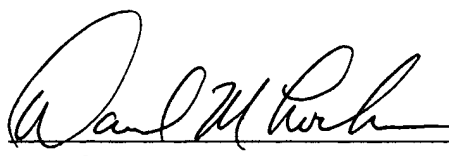
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

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 2/3/04
Signature Date
David M. Lockman

Typed or printed name

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